

Appl. No. 10/722,284
Amtd. Dated November 30, 2006
Reply to Office Action of May 30, 2006

Docket No. CE11781JSW

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Claim Status

NOV 30 2006

Claims 1-23 were pending in the application. Claim 7 has been rewritten. Claims 1-23 remain in the application.

REMARKS/ARGUMENTS

Claims 1, 5-7, 11-12, 16, and 20 were rejected under 35 USC 103(a) over Lampe in view of Childress in further view of Spayth.

The claims rejected under this section include all of Applicant's pending independent claims. Each of these claims have similar claim limitations. Claim 1 is exemplary of these claims. The first two elements of claim 1 recite, with emphasis added:

first indicating, via a non-audible push-to-talk indicator, that a user of the wireless device may not provide audio for transmission, the first indicating performed by a light source illuminated in a first color;

initiating, by the wireless device, *subsequent to the first indicating*, a connection setup procedure with a wireless network;

In rejecting claim 1, the Rejection points to Childress at col. 12, lines 19-33 as showing Applicant's "first indicating" claim limitation. Childress recites at the specified section:

From the idle mode, if a user desires to originate a call (such as by depressing a push-to-talk (PTT) button located on, for instance, a handheld microphone), the mobile station operates in the wait mode. In the wait mode, the station stops scanning on the first idle one of the communication channels (indicated by the absence of a busy signal) and attempts to acquire the corresponding repeater. The station sends a busy signal to the repeater and waits to hear an acquisition signal (as previously described). During this procedure, an indicating lamp is illuminated and the audio circuits of the mobile station are disabled. After all channels have been tried without acquiring a repeater, the mobile station may inform the user that no idle communication channels are available (for instance, by sounding an audible beep).

Thus, at the cited section, Childress starts from an "idle mode." When the user desires to initiate a PTT call, as indicated by pushing a button, the mobile station changes to a "wait

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mode.” While in the wait mode, the station scans for free channels on which to transmit and attempts to acquire (connect to) a repeater. The mobile station waits for an acquisition signal. Childress describes this call set-up procedure in more detail at col. 8, lines 34-66. When the mobile station desires to initiate a call, it sends a sinusoid modulating a carrier as a “busy” signal. The repeater responds first with its own busy signal, and by simultaneously transmitting an acquisition signal which uses a sinusoid of a different frequency (col. 8, lines 48-53). Once the acquisition signal is transmitted, the mobile station has the channel, i.e. a call is set up. At col. 12, lines 2-12, Childress explains that, if, while in the idle mode, a call is decoded for a group to which the mobile station is included, the mobile station, the mobile station transitions to the ready mode, and an indicator lamp is illuminated. The ready mode indicates “the mobile station is locked onto a channel and ready to communicate.” Thus, in the present section of Childress, the indicator lamp (non-audible indicator) only indicates that the mobile station is ready to communicate, i.e. that the user may provide audio. In the section of Childress cited in the Rejection, col. 12, lines 19-33, Childress describes how the indicator lamp is again illuminated when the mobile station attempts to acquire a channel for communication. Thus, again, the non-audible indicator is indicating when there is communication activity.

Conversely, Applicant’s “first indicating” occurs *prior* to communication activity, since, as stated in the second claim element, initiating a connection set-up procedure is performed “subsequent” to the first indicating. It is inherent in the claim language, therefore, that the first indicating is performed in what would be analogous to an “idle” state in Childress. Since Childress does not teach any indicating by a non-audible indicator in the idle state, Childress does not show Applicant’s claim limitation of first indicating.

Similarly, in claim 7, the first indicating is performed prior to establishment of a call, and as stated in the second claim element, prior to receiving a request to join a connection set-up procedure. In claim 11, the non-audible indicator is “for indicating that the user of the wireless device may not provide audio for transmission *prior to receiving the message indicating establishment of the connection, if another user of the connection is presently using the connection to provide audio, or before initiating a connection setup procedure.*” Claim 20, similarly to claims 1 and 7, also indicates that the indicating that the user may not provide audio is performed prior to communication activity. Accordingly, it is likewise believed that Childress does not show Applicant’s “first indicating” in claims 7, 11, or 20, as well as claim 1.

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In the Rejection, the non-audible indicator (indicator lamp) is not mentioned. Instead, the Rejection discusses the audible elements described by Childress, such as audible beeps. These are, clearly, audible, not non-audible as claimed by Applicant. Applicant also points out that the audible beeps are heard only when a communication activity is occurring, not, as claimed by Applicant, when there is no communication activity. Thus, Childress does not show Applicant's claim limitation of "first indicating" when the user may not provide audio, prior to engaging in communication activity.

Accordingly, the combined references do not, therefore, render independent claims 1, 7, 11, or 20 obvious as they do not show all of Applicant's claim limitations. Applicant therefore believes claims 1-23 are allowable over the cited references. The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

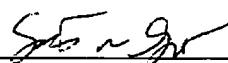
In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any fee due, or credit any overpayment, to Motorola, Inc., Deposit Account Number 50-2117.

Respectfully submitted,

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